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Attorney for CEASAR MARTINEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA,) No. 2:21-cr-00020-JAM
Plaintiff,)
) STIPULATION AND ORDER
v.) TO STATUS CONFERENCE
)
NEHEMIAH AVILA, and) Requested date: 11-12-2024
CEASAR MARTINEZ,) Time: 9:00 a.m.
) Judge: Hon. John A. Mendez
Defendants.)
=====)

It is hereby stipulated between the parties, Adrian Kinsella, Assistant United States Attorneys, Todd Leras, attorney for defendant NEHEMIAH AVILA, and Michael Long, attorney for defendant CEASAR MARTINEZ, that the status conference set for November 5, 2024, at 9:00 a.m. should be vacated and re-set for November 12, 2024, at 9:00 a.m., under the Local Code T-4 (to allow defense counsel time to prepare).

The parties agree and stipulate, and request the Court find the following:

a. Although moving the hearing date from November 5 to November 12, 2024, was initiated on the Court's own motion, this continuance is justifiable and necessary to continue to allow the Defense to continue to review the voluminous discovery, conduct investigation, confer with clients and discuss with the government a potential resolution. All Counsel require additional time to prepare.

b. Counsel for the Defendants believes the failure to grant a continuance in this case would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

c. The Government does not object to the continuance.

d. Based on the above-stated findings, the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendants in a speedy trial within the original date prescribed by the Speedy Trial Act.

e. For the purpose of computing time under the Speedy Trial Act, 18 United States Code Section 3161(h)(7)(A) within which trial must commence, the time period of November 5, 2024, to November 12, 2024, inclusive, is deemed excludable pursuant to 18 United States Code Section 3161(h)(7)(A) and (B)(iv), corresponding to Local Code T-4 because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

Dated: October 17, 2024

Respectfully submitted,

/s/ Michael D. Long
MICHAEL D. LONG
Attorney for Ceasar Martinez

/s/ Todd Leras
TODD LERAS
Attorney for Nehemiah Avila

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2 Dated: October 17, 2024

PHIL TALBERT
United States Attorney

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4 /s/ Adrian Kinsella
ADRIAN KINSELLA
Assistant U.S. Attorney

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7
8 **ORDER**

9 **GOOD CAUSE APPEARING AND HAVING BEEN SHOWN, IT IS SO ORDERED.**

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11 The date for the status hearing in this matter is **RESET** for **November 12, 2024, at 9:00**
12 **a.m.**, before District Court Judge John A. Mendez.

13 Time is **EXCLUDED** through the new hearing date of November 12, 2024.

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15 Dated: October 18, 2024

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE